



INNOVATIVE IDEAS
EXCEPTIONAL DESIGN
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August 20, 2019

RE: Survey Notice for Hawpatch Street Reconstruction
DLZ Project #1966-2156-90
INDOT Des. No. 1702844

Dear Property Owner:

Our firm has been retained by the Town of LaGrange to provide a topographic survey for the proposed Hawpatch Street reconstruction project (INDOT Des. No. 1702844) from South Townline Road to West Central Avenue (U.S. 20).

Our information indicates that you either own or occupy property near this proposed street project. Our employees will be conducting a survey of the project area in the near future. It may be necessary for them to come onto your property to complete this work. This is allowed by law in accordance with Indiana Code IC 8-23-7-26 (see attached). They will show you their identification, if you are available, before coming onto your property. If you have sold this property, or it is occupied by someone else, please let us know the name and address of the new owner or current occupant so we can contact them about the survey.

The survey work will include the location of features such as sidewalks, curb and gutter, buildings, trees, fences, utilities, sewer structures, drives, and obtaining ground elevations. We will also be re-establishing public street right-of-way lines by looking for and locating property irons and subdivision block corners. This survey is needed for the proper planning and design of this project.

Please be assured of our sincere desire to cause you as little inconvenience as possible during this survey. If any problems do occur, please contact our field crew or myself at (260) 420-3114. A copy of IC-8-23-7-26 thru 28 is provided to help with your understanding of the process. In accordance with IC 8-23-7-28, any request for damages shall be made in writing to the Town of LaGrange, Mark Eagleson – Town Manager, 1201 N. Townline Road, LaGrange, IN 46761.

Sincerely,

DLZ INDIANA, LLC

Aaron E. Springer, P.S.

CC: PL, HM, Mark Eagleson, Town of LaGrange-Town Manager

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IC 8-23-7-26

Surveys and investigations; right of entry

Sec. 26. An authorized employee or representative of the department engaged in a survey or investigation authorized by the commissioner or the commissioner's designee, including a survey or investigation for purposes of IC 8-23-5-9, may enter upon, over, or under any land or property within Indiana to conduct the survey or investigation by manual or mechanical means, which include the following:

- (1) Inspecting.
- (2) Measuring.
- (3) Leveling.
- (4) Boring.
- (5) Trenching.
- (6) Sample-taking.
- (7) Archeological digging.
- (8) Investigating soil and foundation.
- (9) Transporting equipment.
- (10) Any other work necessary to carry out the survey or investigation.

As added by P.L.18-1990, SEC.216. Amended by P.L.99-2008, SEC.2.

IC 8-23-7-27

Surveys and investigations; notification of occupants

Sec. 27. (a) Before an authorized employee or representative of the department enters upon, over, or under any land or water under section 26 of this chapter, the occupant of the land or water shall be notified in writing by first class United States mail of the entry not later than five (5) days before the date of entry. The employee or representative of the department shall present written identification or authorization to the occupant of the land or water before entering the land or water.

(b) At the same time and in the same manner as the notice required under subsection (a), the department shall notify the occupant and the record owner of the land or property of the following:

(1) With respect to damage that occurs to the land or property as a result of entry upon, over, or under the land or property as set forth in section 26 of this chapter:

- (A) a description of the aggrieved party's right to compensation for the damage from the department; and
- (B) the procedure that the aggrieved party must follow to obtain the compensation.

(2) The name, mailing address, and telephone number of an individual or office within the department to which an aggrieved party may direct questions concerning the rights and procedures described in subdivision (1).

As added by P.L.18-1990, SEC.216. Amended by P.L.99-2008, SEC.3.

IC 8-23-7-28

Surveys and investigations; compensation for damages

Sec. 28. If during an entry under section 26 of this chapter damage occurs to the land or water as a result of the entry or work performed during the entry, the department shall compensate the aggrieved party. If the aggrieved party is not satisfied with the compensation determined by the department, the amount of damages shall be assessed by the county agricultural extension educator of the county in which the land or water is located and two (2) disinterested residents of the county, one (1) appointed by the aggrieved party and one (1) appointed by the department. A written report of the assessment of damages shall be mailed to the aggrieved party and the department by first class United States mail. If either the department or the aggrieved party is not satisfied with the assessment of damages, either or both may file a petition, not later than fifteen (15) days after receiving the report, in the circuit or superior court of the county in which the land or water is located. The department shall pay any compensation awarded to an aggrieved party under this section:

- (1) not more than sixty (60) days after the date on which the parties agree to the amount of the compensation; or
- (2) as ordered by the circuit or superior court.

As added by P.L.18-1990, SEC.216. Amended by P.L.40-1993, SEC.3; P.L.99-2008, SEC.4.